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PGOV
SUBJECT: DOMINICAN REPUBLIC: PART 1, SEVENTH ANNUAL
TRAFFICKING IN PERSONS REPORT

REF: STATE 202745

¶1. The following is Part 1 of Embassy's response to the
Trafficking in Persons (TIP) questions raised in reftel.

¶2. 2006 Trafficking in Persons Report for the Dominican
Republic, Part 1

¶I. OVERVIEW: EXTENT OF TRAFFICKING IN PERSONS IN THE
DOMINICAN REPUBLIC AND THE GOVERNMENT'S RESPONSE

The Dominican Republic is a country of origin, transit and
destination for trafficked men, women and children.

-- Trafficking from the Dominican Republic:

The Dominican Republic is a country of origin for women
trafficked internationally to work as female prostitutes,
cabaret dancers and domestic employees. Dominican-born
victims who work abroad generally do so in urban centers in
wealthier countries. Principal destination countries for
Dominican-born victims of trafficking were in Europe, the
Caribbean, and Latin America, and included Argentina,
Australia, Brazil, Costa Rica, Curaao, Germany, Greece,
Italy, the Netherlands, Panama, Spain, Surinam, St. Marten,
and Switzerland. Many trafficking victims travel using bona
fide legal documents, including non-immigrant visas, that are
often taken from them upon arrival.

There were some reports that suggest Dominican women may have
been trafficked across the border to Haiti to work in
brothels catering to UN peacekeepers.

There were no reports of children being trafficked outside of
the country, although some children were smuggled via boat
across the treacherous Mona Passage to Puerto Rico. In
addition, the Embassy has increasing evidence of smuggling of
Dominican children to the United States using U.S. birth
certificates.

The International Organization for Migration (IOM) estimated
that 50,000 Dominican women worked in prostitution around the
world. Of these women it estimated that one-third were
victims of trafficking. Other national and international
organizations have estimated that between 30,000 and 50,000
Dominican are victims of trafficking. However, these
estimates are unreliable. The IOM's estimate, which is the

one most commonly cited in the country, dates from the early 1990s; the organization has not conducted a thorough study since then.

-- Trafficking within the Dominican Republic:

Dominican-born victims, primarily women and children, are also trafficked within the country to conditions of forced labor and/or prostitution.

Children are trafficked to conditions of forced labor, for example in organized begging rings. Their movements are constantly monitored and they are not allowed the freedom to depart their environments. Many children are also trafficked to prostitution in the tourist centers; there were reports that some elements of the tourism industry facilitated their exploitation. Some Europeans marketed the Dominican Republic by suggesting that boys and girls could be found as sex partners. The destinations most often suggested were Boca Chica, Puerto Plata, and Sosua.

Women are trafficked into prostitution. Very few prostitutes work in their areas of origin. Surveys indicate women brought to sex tourism areas are usually deceived about the nature of work, the demands to be made of them, or the amount of money they will receive.

-- Trafficking to the Dominican Republic:

The Dominican Republic is also a country of destination for foreign men, women, and children who are victims of trafficking.

The principal source country for individuals trafficked to the Dominican Republic is Haiti. The two countries share a long and porous land border, and both lack effective border controls.

With the government's blessing, the Dominican sugar industry historically depended heavily on the cheap labor that trafficked Haitian workers provide. They were housed in industry shantytowns, called "bateyes," where living and working conditions were extremely harsh. Field guards patrolled the fields with guns and kept workers' clothes and documents in order to prevent them from leaving before the end of the harvest.

There were some indications that this problem became less egregious this year. Factors such as the collapse of organized sugar harvesting on government-owned land and increasing mechanisation among private producers have reduced the industry's need for seasonal laborers. Under pressure from outside groups, private producers have implemented policy changes to improve working conditions and allow workers the freedom to leave their jobs. Even so, employers continued to withhold a portion of wages to keep workers in the fields.

There were reports that Haitian victims were trafficked into exploitative conditions elsewhere, including construction, organized begging rings, and other agricultural sectors.

There were some reports that Haitian children were sent across the border to live with Dominican families who promised to feed and care for the children in exchange for some domestic servitude. These exchanges were motivated by the dire economic situation in Haiti. It is not unreasonable to assume that at least some of these children ended in conditions of exploitative labor, including prostitution, although there were no specific reports that this occurred.

There were also several reports of men and women trafficked from Colombia and Venezuela for employment in exploitative

labor and prostitution.

-- An Analysis of the Dominican-born Victims:

Strong cultural pressures drive Dominicans to emigrate. Traffickers exploit this tendency with offers of false employment and a better future. In some cases, victims knew they were being trafficked into prostitution, but went nonetheless.

Dominican-born women 18-25 years of age who lived in rural communities were at the greatest risk of being trafficked to other countries. Many victims were uneducated single mothers desperate to improve the living conditions of their children. Traffickers frequently met women through friends and family; they promised some form of employment, obtained false or legitimate documents for the women, and often retained their passports after arrival in the destination country. Many women were reportedly pushed by family members to travel in order to send money home.

Persons of Haitian descent were particularly vulnerable to exploitation within the country. There is a large community of tens, if not hundreds of thousands of Dominican-born persons of Haitian descent who have been unable to obtain birth certificates or other forms of identity documentation. They are functionally stateless. They generally reside in communities on sugar plantations known as "bateyes" (see above).

The collapse of the Dominican sugar industry on government-owned land and increasing levels of mechanization among private producers have left thousands of persons of Haitian descent without work. Lacking documentation, they have little possibility of participating in the formal labor sector and few opportunities to seek recourse in the event of mistreatment. The Hermanas Adoratrices (Adoratrices Nuns), a religious organization that provides services to prostitutes, including many victims of trafficking, reports that most of those who visit their clinics are persons of Haitian descent

who were born and raised in bateyes.

There are no reliable estimates of the number of trafficking victims in the Dominican Republic.

-- General Overview of Changes:

The U.S. Coast Guard reports that during FY2006, the numbers of smuggling attempts across the Mona Passage to Puerto Rico and the overall numbers of illegal Dominican migrants both decreased. They attribute the change to joint operations between the U.S. Coast Guard and the Dominican Navy, improved inter-agency coordination, a greater willingness on the part of the Dominican Navy to interdict vessels involved in smuggling, and improving conditions in the Dominican economy.

The Office of the Attorney General made significant progress in its efforts to investigate trafficking cases and to prosecute offenders. It secured 11 convictions during the year under Trafficking Law 137-03. The authorities prosecuted several high-ranking officials, including a city mayor and an assistant director of immigration, for involvement in trafficking organizations.

Despite these achievements, there were continuing allegations that high-level officials facilitated and profited with impunity from trafficking and alien smuggling operations.

With the notable exceptions of the Office of the Attorney General and the Dominican Navy, most agencies appeared to backslide in their commitment to fighting trafficking in persons. Coordination efforts were severely lacking.

Virtually no government funding was provided to prevention and protection programs. Many of the most important implementing regulations pertaining to the 2003 law against trafficking were yet to be finalized.

-- Limitations on Anti-Trafficking Efforts

The government continued to claim that its resources for use against trafficking were limited, but choices made in the 2006 and 2007 budgets suggested that its priorities were elsewhere, including in controversial infrastructure projects. Most of the resources and training for anti-trafficking activities, especially those related to prevention and protection, come from outside donors.

Haitians and their Dominican-born descendents remain deeply unpopular, and authorities were reluctant to provide basic services to them. This reluctance extended to services associated with trafficking, even though the community of persons of Haitian descent was particularly vulnerable to this type of exploitation, as noted above. When asked by an Embassy political officer why the government provided no prevention or protection services to residents in bateyes, the Legal Advisor to the President on Gender Issues, who nominally leads inter-agency coordination on trafficking, stated that assisting batey residents was not the government's responsibility because they were Haitian. The practical effect of this exclusion was unclear, since the government provides few such services anyway.

Corruption remains a deep-rooted problem in the Dominican Republic. A USAID-financed study carried out by a non-governmental organization documented the fact that from 1983 to 2003, only one person was convicted on corruption charges. The Fernandez administration has shown enthusiasm for bringing to trial on corruption charges officials from the previous political administration. Cases involving current officials either were not pursued, or were dropped, as in the cases of Diandino Pea, Simon Lizardo and Haivanjoe Ng Cortias. All are current high-level officials in the administration of President Fernandez, and each was among those accused by the previous administration of mismanagement and malfeasance involving nearly RD 1.5 billion (USD \$50 million) in government funds for employment generation.

Complicating this problem was a widespread attitude of tolerance in society towards at least some forms of

corruption. In December results of a poll conducted by the Pontifical Catholic University showed that 82 percent of survey participants found corruption to be at least somewhat tolerable. More than 67 percent of respondents reported that they would suggest to their friends or family payment of a bribe in order to expedite an administrative process.

Corruption and deeply rooted attitudes complicate the government's response to trafficking. Many low- and mid-level officials are inclined to look the other way rather than help a victim, while others rely on corrupt practices to supplement their income. The use of non-judicial sanctions (e.g., dismissal, transfer, etc.) against members of the military, policemen, and other lower-ranking officials engaged in bribe taking and other corrupt behavior provided insufficient dissuasion to check pervasive petty corruption.

The Dominican justice system is under-resourced, a factor that significantly affects criminal prosecutions. Moreover, prosecutors face challenges as they seek to bring complex trafficking cases to completion. There is no integrated electronic record keeping. Although the Justice Ministry (Ministerio Publico) began implementing a law to create a career civil service track for prosecutors, until the process is completed the majority of current prosecutors remain political appointees who are replaced during each transition in political administration. This means that institutional memory is general lost from one administration to the next.

Some prosecutors complained that no matter how well prepared their cases, in some instances they were unable to secure convictions or adequate sentences due to corruption and a lack of training on the part of judges.

Inadequate training also affected law enforcement personnel in the Justice Ministry and in the newly established anti-TIP units of the General Directorate for Migration and the National Police.

-- Governmental Monitoring of Trafficking

The government is responsive to requests for information. Various agencies with anti-trafficking responsibilities work closely with Embassy counterparts. For example, Dominican migration officers bring suspected illegal aliens intercepted at ports of entry/exit for interviews with U.S. consular fraud prevention investigators for verification of identity and documents. This provides the U.S. Embassy consular section with important information for the creation of lookout entries in the Department's computer database regarding alien smuggling and fraud, when warranted. The Dominican Navy, through their offices for Naval Intelligence (M-2) and Naval Operations (M-3), works on a daily basis in coordination with the U.S. Coast Guard and U.S. Customs and Board Patrol officials in the Dominican Republic and in Puerto Rico to prevent and interdict illegal migrant trips destined for Puerto Rico.

Government agencies generally do not cooperate with each other on trafficking cases. The mechanisms for doing so are not well established and some agencies are at times reluctant to share information.

II. PREVENTION

-- The Relevant Actors:

The Government acknowledges that trafficking is a problem and has formed specialized anti-trafficking units in the Attorney General's office, the National Police, the Migration Directorate, and the Foreign Ministry. Senior officials have spoken out about trafficking both publicly and in private communications.

Although most anti-trafficking work is conducted by the Office of the Attorney General and the Dominican Navy, a number of other agencies have nominal roles in the fight against trafficking. These include:

- Secretariat of Women
- Directorate of Migration
- Secretariat of Foreign Relations
- National Police
- Secretariat of Tourism
- Secretariat of Labor
- National Council for Children and Adolescents (CONANI)

The interagency group Committee for the Protection of Migrant Women (CIPROM) is nominally the lead agency on trafficking issues; however, CIPROM functions with no budget, a fact that undermines its coordination efforts. CIPROM is chaired by the Secretariat of Women, and includes the Secretariat of Foreign

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Relations, the Secretariat of Labor, the Directorate of Migration, the Secretariat of Tourism, the National Police, the Attorney General, IOM, the National Hotel and Restaurant Association (ASNOHARES), several non-governmental organizations (NGOs) and representatives of international organizations. CIPROM was created in 1999 and charged with developing plans and strengthening government programs and

measures to protect migrant and trafficked women, especially those trafficked to other countries for sexual exploitation.

CIPROM representatives said they hosted monthly interagency meetings involving high-level representatives from government agencies involved in trafficking. Given the poor interagency coordination that exists on these issues, it is unclear what they actually discussed.

The government has relationships with NGOs that work on trafficking. NGOs and international organizations are included on CIPROM. The Secretariat of Women is a key partner of the Center for Integral Orientation and Investigation (COIN), the primary NGO source of information on trafficking victims. COIN and IOM cooperate with the Attorney General's office and the Migration Directorate in identifying trafficking rings.

-- Outreach Campaigns:

The government has supported some education campaigns targeted against trafficking and sexual exploitation, seeking to reach potential trafficking victims and to lower the demand for trafficking. Most of the funds used in these efforts come from private sources. The campaigns are sporadic, which reduces their impact.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons in the Office of the Attorney General, in coordination with the Secretariats of Labor and Education, conducted outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation and trafficking. They were given to an estimated 5,610 adolescents during the year.

The Secretariat of Labor, Migration Directorate, CIPROM, and Secretary of Education all held seminars, chats, and

SIPDIS town-hall meetings to educate communities about trafficking and the anti-trafficking laws and their implications. These programs reached an estimated 250 private citizens during the year. None were residents of high-risk communities in bateyes.

Authorities from various agencies involved in trafficking received training on the anti-trafficking laws from the USAID-supported NGO Foundation for Institution-Building and Justice (FINJUS). Inter-agency representatives also received training to recognize the signs of trafficking from the International Organization for Migration (IOM).

Two focused courses or "diplomados" on "Alien Smuggling and Trafficking in Persons" were carried out by FINJUS. A total of 104 key actors directly involved in anti-TIP operations were certified. These included members of the Justice Ministry, the Ministry of Foreign Relations, the Ministry of Gender, the General Directorate for Migration, and civil society organizations. The courses included the design of pedagogical materials, field visits and interviews with trafficking victims.

-- Child Labor Prevention

The International Labor Organization (ILO) continued its Program for the Eradication of Child Labor. With other international labor rights organizations, in collaboration with the Secretariat of Labor, the ILO continued programs to combat child labor. These included programs to eliminate child labor in the tomato-producing province of Azua, in the coffee-growing province of San Jos de Ocoa, and in the agricultural province of Constanza, as well as a program to

combat the commercial sexual exploitation of minors in popular tourist destinations. However, the government did not provide the modest level of financial support it had previously committed to giving these programs.

The National Steering Committee against Child Labor adopted a National Strategic Plan to Eliminate the Worst Forms of Child Labor, which include child prostitution. This plan set objectives, identified priorities, and assigned responsibilities so that exploitative labor can be efficiently tackled and the number of child laborers significantly reduced by 2016.

The Ministries of Labor and Education continued to support the Combating Child Labor through Education program, which established several camps that hosted children and adolescents.

-- Border Control Efforts

The Armed Forces are nominally responsible for control of the borders; however, it is in practice relatively easy for traffickers to smuggle victims into, through, and out of the Dominican Republic. The land border between the Dominican Republic and Haiti is more than 240 miles long and extremely porous. Inadequate staffing, poor management, and corruption plague the nominal efforts that are in place to patrol it. In addition, yolas (small wooden boats) and other vessels can launch from almost anywhere along the 1000-mile-long coast that defines three sides of the country.

The Armed Forces made an improved effort to deter illegal immigration and trafficking. The Dominican Navy worked closely with the U.S. Coast Guard to prevent illegal voyages and to interdict illegal migrants. It is known that some members of the Dominican Navy were complicit in allowing these trips to depart. Between August 2006 and February 2007, the Dominican Navy's records indicate that they found and destroyed 169 boats used for illegal migrant trips and apprehended 2113 illegal migrants, most of these prior to departure. Additionally, 91 captains and organizers were submitted to prosecution through the court system for their roles in the illegal trips. During FY 2006, the U.S. Coast Guard intercepted more than 3,200 illegal migrants. The Dominican Air Force sent personnel trained to identify illegal migration to several ports and airports as well as to the land border area.

The government continued printing new passports with advanced anti-fraud features and gave investigation responsibility to an anti-fraud department in the Dominican Passport Office.

-- National Plan of Action

There was no unified, continuous strategy or national plan of action in place to combat trafficking in persons. Budget constraints meant that agencies developed their own individual, sporadic programs when funding is available, and did not coordinate well with the interagency on their implementation.

Thanks to technical assistance provided by USAID and FINJUS, the first draft of a National Anti-TIP Strategic Plan has been written. This national plan has not been implemented. Responsible officials have not undertaken the work needed to achieve legal clarity on institutional roles or agreement in terms of which institution should take the lead on implementation.

Most local NGOs involved in combating trafficking have drafted their own short-term institutional plans, although adjustments on indicators and data collection are necessary, as well as more coordination between institutions to avoid duplication of efforts. FINJUS conducted a series of meetings

and capacity-building workshops to strengthen civil society's capacity to lobby, advocate and monitor policy-making motions. These meetings have served as exercises in information-sharing and reflection on the topic, with, as yet no further tangible results.

13. Part 2 of this Report will follow as a separate cable.
HERTELL